



# PATENT Attorney Docket No. 14316US02

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 6,
) 2004.
Fredrick T. French, III
) Reg. No. 52,524

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER APPLICATION FILING DATE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

## **ENCLOSURES**

Enclosed are the following:

- \* A two-page, completed PTO form 1449.
- \* The enclosed PTO form 1449 lists 47 references not previously provided to or by the PTO in this application. Copies of the four foreign references listed thereon are enclosed herewith.

#### FEE DETERMINATION

- \* No fee is believed to be due because:
  - \* This statement and enclosures are being filed three months or less after the application was filed.
  - \* The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

#### **FEE PAYMENT**

The following arrangements have been made to pay the fees calculated above:

\* No fee is believed to be due.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### **REMARKS**

The Applicants neither agree nor disagree with the following notations that accompanied the references listed below in a prior art search performed by Augustine Associates, Ltd., 2981 Fox Tail Court, Woodbridge, VA 22192, dated April 22, 2003:

2003/0061384	"para (0015)"
2003/0037075	"para (0166)"
2003/0033599	"wireless software download, see (0039)"
2002/0157090	"update software, Claim 17"
2002/0152005	"wireless link upgrade"
2002/0131404	"can be used with games (0004)"
2002/0116261	"update software (0058)"
2001/0029178	"Claim 1, upgrade"
6,438,585	"mobile link"
6,279,153	"ROM update on wireless link abstract
	(170 page patent – front page and claims only provided here)"
6,198,946	"wireless upgrade"
6,163,274	"real-time update"
6,126,327	"flash update

	(265 page patent – front page and claims only provided here)"
5,790,974	"'perceptual' software agent that updates stored entries"
5,261,055	"wireless upgrade"
5,598,534	"PDA link system"
5,666,293	"loaded into non-volative[sic] memory. Claims 2 and 3, game system"

## REQUEST FOR CONSIDERATION

This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102. Applicants expressly retain the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial a copy of the enclosed PTO-1449 and return to the applicants to indicate consideration of the enclosed references.

Dated: May 6, 2004

Fredrick T. French,III

Respectfully submitted

Reg. No. 52,524

Agent for Applicants

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